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## NOTICE OF ALLOWANCE AND FEE(S) DUE

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314

EXAMINER
SU, SARAH

ART UNIT PAPER NUMBER

2431

DATE MAILED: 04/29/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,187	11/21/2006	Osamu Ito	283696US6PCT	8032

TITLE OF INVENTION: RADIO COMMUNICATION SYSTEM, RADIO COMMUNICATION DEVICE, RADIO COMMUNICATION METHOD, AND

COMPUTER PROGRAM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/29/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED.</u> SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

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appropriate. All further andicated unless corrected maintenance fee notificated to the control of the control o	correspondence including below or directed other ions.	ng the Patent, advance on herwise in Block 1, by (a	rders and notification of r a) specifying a new corres	naintenance fees wil spondence address; a	I be mailed to the current and/or (b) indicating a sep	correspondence address as arate "FEE ADDRESS" for	
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						(Signature)	
						(Date)	
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/564,187	11/21/2006		Osamu Ito		283696US6PCT	8032	
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nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/29/2011	
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SU, SA	RAH	2431	380-270000	•			
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Please check the appropri	ate assignee category or	categories (will not be pr	rinted on the patent):	Individual 🖵 Cor	poration or other private gr	oup entity Government	
4a. The following fee(s) a	are submitted:	41		se first reapply any	previously paid issue fee	shown above)	
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`	of Copies		☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any				
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22850 75	90 04/29/2011	EXAMINER			
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET			SU, SARAH		
ALEXANDRIA, VA 22314		ART UNIT	PAPER NUMBER		
			2431		

# Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 828 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 828 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

## **Privacy Act Statement**

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The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

	Application No.	Applicant(s)		
	10/564,187	ITO ET AL.		
Notice of Allowability	Examiner	Art Unit		
	Sarah Su	2431		
The MAILING DATE of this communication apperall claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI	(OR REMAINS) CLOSED or other appropriate comn GHTS. This application is and MPEP 1308.	in this application. If not included nunication will be mailed in due co	l ourse. <b>THIS</b>	
2. X The allowed claim(s) is/are 1,17-34,43-48 and 51.				
3. Acknowledgment is made of a claim for foreign priority una) All b) Some* c) None of the:  1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)).  * Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE".	been received. been received in Applicat	ion No ed in this national stage applicatio		
noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give	itted. Note the attached EX		TICE OF	
<ul> <li>5. CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.</li> <li>(a) including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached</li> <li>1) hereto or 2) to Paper No./Mail Date</li> <li>(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date</li> <li>Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).</li> <li>6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.</li> </ul>				
Attachment(s)  1. ☑ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date  4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material  /Sarah Su/ Examiner, Art Unit 2431	6. ☐ Interview : Paper No 7. ☒ Examiner' 8. ☒ Examiner' 9. ☐ Other		ance	

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## **NOTICE OF ALLOWANCE**

### Continued Examination Under 37 CFR 1.114

- 1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 March 2011 has been entered. In this amendment, claims 1, 17, and 43-48 have been amended, and claim 51 has been added.
- 2. Claims 1, 17-34, 43-48, and 51 are presented for examination.

## Response to Arguments

3. Applicant's arguments with respect to claims 1, 17-30, and 43-48 have been fully considered and are persuasive. The rejection of 28 January 2011 has been withdrawn.

## Drawings

4. The drawings were received on 28 March 2011. These drawings are acceptable.

#### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 43, lines 4-9:

"inverting a parity signal in said physical layer header, and setting predetermined data included in said physical layer header as an initial value in <u>an internal state of a scrambler</u> the internal state of said scrambler, in the event of indicating that an initial value should be set in said internal state, the inverting including counting a number of logics "1" and a number of logics "0" in said part of the physical layer header section and generating the initial value based on the number of logics "1" and the number of logics "0" in said part of the physical layer header section"

### Allowable Subject Matter

- 6. Claims 1, 17-34, 43-48, and 51 are allowed.
- 7. The following is an examiner's statement of reasons for allowance:

Claim 1 discloses of "the transmitter configured to generate a scrambling initial value using at least a part of the physical layer header section, the transmitter configured to count a number of logics "1" and a number of logics "0" in said part of the physical layer header section, the transmitter configured to generate the scrambling initial value based on the number of logics "1" and the number of logics "0" in said part of the physical layer header section, the transmitter configured to scramble the data

section using the scrambling initial value, the transmitter configured to transmit the physical layer header section using a first modulation method and a first encoding rate with a first signal to noise ratio, the transmitter configured to transmit the data section using a second modulation method and a second encoding rate with a second signal to noise ratio, the first signal to noise ratio being less than the second signal to noise ratio." This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Claim 17 discloses of "the communication means transmitting the physical layer header section using a first modulation method and a first encoding rate with a first signal to noise ratio, the communication means transmitting the data section using a second modulation method and a second encoding rate with a second signal to noise ratio, the first signal to noise ratio being less than the second signal to noise ratio; scrambling/descrambling initial-value generating means for generating an initial value when scrambling or descrambling using at least a part of the physical layer header section, the scrambling/descrambling initial-value generating means counting a number of logics "1" and a number of logics "0" in said part of the physical header layer section and generating the initial value based on the number of logics "1" and the number of logics "0" in said part of the physical layer header section." These features, in combination with the other limitations in the claims, are not anticipated by, nor made obvious over, the prior art of record.

Claim 31 discloses of "wherein in the event that said initial value when scrambling/descrambling is n bits in length (wherein n is a natural number), said

scrambling/descrambling initial-value generating means count the number of logics "1" and the number of logics "0" in said physical layer header section or a part thereof respectively, and represent the absolute value of the difference thereof with n bits in binary, and take this as said initial value when scrambling/descrambling." This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Claim 33 discloses of "wherein in the event that said initial value when scrambling/descrambling is n bits in length (wherein n is a natural number), said scrambling/descrambling initial-value generating means count the number of logics "1" and the number of logics "0" in said physical layer header section or a part thereof respectively, represent the absolute value of the difference thereof with (n-i) bits in binary, insert an i-bit sequence such that at least one bit thereof is logic "1", shared with an other party of communication in the extracted bit sequence of said (n-i) bits in a pattern shared with the other party of communication, and generate said initial value when scrambling/descrambling." This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Claim 34 discloses of "wherein in the event that said initial value when scrambling/descrambling is n bits in length (wherein n is a natural number), said scrambling/descrambling initial-value generating means count the number of logics "1" and the number of logics "0" in said physical layer header section or a part thereof respectively, obtain the absolute value of the difference thereof, add z shared with an other party of communication (wherein z is a natural number smaller than 2n) to the

absolute value, represent the result with z bits in binary, and take this bit sequence as said initial value when scrambling/descrambling." This feature, in combination with the other limitations in the claims, is not anticipated by, nor made obvious over, the prior art of record.

Claims 43 and 46 disclose of "inverting a parity signal in said physical layer header, and setting predetermined data included in said physical layer header as an initial value in an internal state of a scrambler, in the event of indicating that an initial value should be set in said internal state, the inverting including counting a number of logics "1" and a number of logics "0" in said part of the physical layer header section and generating the initial value based on the number of logics "1" and the number of logics "0" in said part of the physical layer header section; subjecting a signal to be processed in said transmission packet to a predetermined arithmetic operation according to the internal state of said scrambler; transmitting the physical layer header section using a first modulation method and a first encoding rate with a first signal to noise ratio, and transmitting the data section using a second modulation method and a second encoding rate with a second signal to noise ratio, the first signal to noise ratio being less than the second signal to noise ratio." These features, in combination with the other limitations in the claims, are not anticipated by, nor made obvious over, the prior art of record.

Claims 44 and 47 disclose of "receiving a physical layer header section of the reception packet which was transmitted using a first modulation method and a first encoding rate with a first signal to noise ratio, and receiving a data section of the

reception packet which was transmitted using a second modulation method and a second encoding rate with a second signal to noise ratio, the first signal to noise ratio being less than the second signal to noise ratio analyzing the physical layer header of the reception packet; setting the headmost data of said signal to be processed as an initial value in the internal state of said descrambler in the event that a normal value is set in a parity signal of said physical layer header as initial value setting information, the setting including counting a number of logics "1" and a number of logics "0" in said part of the physical layer header section and generating the initial value based on the number of logics "1" and the number of logics "0" in said part of the physical layer header section, and setting predetermined data included in said physical layer header other than said signal to be processed as the initial value in the internal state of said descrambler in the event that an abnormal value is set in the parity signal of said physical layer header as said initial value setting information." These features, in combination with the other limitations in the claims, are not anticipated by, nor made obvious over, the prior art of record.

Claims 45 and 48 disclose of "transmitting the physical layer header section using a first modulation method and a first encoding rate with a first signal to noise ratio, and transmitting the data section using a second modulation method and a second encoding rate with a second signal to noise ratio, the first signal to noise ratio being less than the second signal to noise ratio; generating an initial value when scrambling or descrambling using at least a part of the physical layer header section based on a rule common with an other party of communication, the generating including counting a

number of logics "1" and a number of logics "0" in said part of the physical layer header section and generating the initial value based on the number of logics "1" and the number of logics "0" in said part of the physical layer header section." These features, in combination with the other limitations in the claims, are not anticipated by, nor made obvious over, the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### Prior Art Made of Record

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Becker et al. (US 2010/0150054 A1) discloses a system and method for false lock detection for physical layer frame synchronization.
  - b. Chang et al. (US 2008/0170691 A1) discloses a system and method for encryption and decryption in a wireless portable internet system.
  - c. Chauncey et al. (US 2010/0031036 A1) discloses a system and method for secure wireless communications.
  - d. Clark et al. (US Patent 7,765,402 B2) discloses a system and method for wireless delivery of a message.

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e. Gentry, Jr. (US Patent 6,356,951 B1) discloses a system and method for parsing a packet.

- f. Kim et al. (US 2004/0170121 A1) discloses a system and method for transmitting header information.
- g. Luby et al. (US 2010/0017686 A1) discloses a system and method for streaming protection over a broadcast channel.
- h. Sun et al. (US 2004/0252725 A1) discloses a system and method for digital broadcasting.
- i. Wentink (US 2008/0273700 A1) discloses a system and method for multicast retransmission over a secure wireless LAN.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Su whose telephone number is (571) 270-3835. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NATHAN FLYNN/ /Sarah Su/

Supervisory Patent Examiner, Art Unit 2468 Examiner, Art Unit 2431